

85th Legislative Session – 2010

Committee: Senate Taxation

Wednesday, February 17, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Adelstein
P Howie
P Jerstad
P Maher
P Merchant
P Nelson
P Peterson
P Fryslie, Vice-Chair
P Hansen (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Tom Hansen.

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 12, 2010

Moved by: Jerstad
Second by: Merchant
Action: Prevailed by voice vote.

SB 184: revise certain provisions concerning the taxes imposed by water development districts and the formation of water development districts.

Presented by: Senator Al Novstrup (Handout: 1)
Proponents: Representative Deb Peters
Michael Kenyon, Department of Revenue and Regulation (Handout: 2)
Kurt Bindenagel, self, Frankfort
Jim Iverson, Hand County Commissioner, Miller
Tom Fishbach, self, Warner
Brian Johnson, Spink County Commissioner, Frankfort

Bob Wilcox, SD Association of County Commissioners
Vic Fishback, Spink County States Attorney
Opponents: Dale Hargens, self, Miller
Darrell Raschke, James River Water Development (Handout 3)
Curt Hart, self, Alexandria (Handout 4)
Dennis Vedral, self, Gregory (Handout 5)
Jay Gilbertson, East Dakota Water District
Dennis Davis, SD Association of Rural Water Systems
Lake Mitchell Advisory Committee, (Handout 6)

MOTION: AMEND SB 184

184fb

On page 2 of the printed bill, delete lines 1 to 24, inclusive, and insert "46A-3A-7.1, inclusive, is ~~not~~ considered a new taxing district created on the date specified pursuant to § 46A-3A-1. If any water development district levied a tax pursuant to chapter 10-13 in a manner used by a new taxing district for taxes payable in 2010, such water development district shall revert to the amount of revenue payable to the district for taxes payable in 2009 including any excess levy approved pursuant to § 10-13-36 before July 1, 2002. The water development district may adjust the maximum amount of revenue payable for property taxes based on the growth and index factor for each year thereafter. Any excess levy approved by the water development district pursuant to § 10-13-36 before July 1, 2002, is null and void.

Section 2. That § 46A-3A-16 be amended to read as follows:

46A-3A-16. After a water development district has been established pursuant to the provisions of chapters 46A-3A to 46A-3E, inclusive, any county, township, or group of townships contiguous to the external boundary of the water development district may be added to and become a part of that water development district by an affirmative vote of ~~at least sixty percent~~ a majority of the votes cast on the question in the area proposed for addition, if the board of directors of the water development district to which any addition is to be made by resolution advises the Board of Water and Natural Resources that the water development district board favors the addition. Any county or that entire portion of a county included within a water development district may be withdrawn from a water development district by an affirmative vote of ~~at least sixty percent~~ a majority of the votes cast on the question in the county proposed for withdrawal. Proposals for additions or withdrawals shall be in the form of a written resolution or petition to the Board of Water and Natural Resources ~~and~~.

The resolution shall be approved with an affirmative four-fifths vote of the governing body of a county.

The petition shall be signed by a number of qualified voters in the area proposed for the addition

or withdrawal equal to at least ~~fifteen~~ five percent of the number of votes cast within the area in the most recent gubernatorial election. The county auditor in each county where a petition is circulated shall verify the signatures on the petition.

The resolution or petition shall include a statement whether the election is for the purpose of becoming a part of an existing water development district or withdrawing from an existing water development district and a statement describing the purpose of the action. The resolution or petition shall be presented to the Board of Water and Natural Resources not more than one hundred twenty days nor less than ninety days before a regularly scheduled general election. Upon receipt of the resolution or petition, the Board of Water and Natural Resources shall call an election on the question of whether the addition or withdrawal should be made. The election shall be held in conjunction with the next regularly scheduled general election."

On page 3, delete lines 1 to 11, inclusive.

Moved by: Fryslie
Second by: Merchant
Action: Prevailed by voice vote.

MOTION: AMEND SB 184

184fc

On the previously adopted amendment (184fb), delete Section 2 and its contents.

Moved by: Peterson
Second by: Merchant
Action: Failed by roll call vote. (4-5-0-0)

Voting Yes: Jerstad, Maher, Merchant, Peterson

Voting No: Adelstein, Howie, Nelson, Fryslie, Hansen (Tom)

MOTION: DO PASS SB 184 AS AMENDED

Moved by: Fryslie
Second by: Adelstein
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Adelstein, Howie, Jerstad, Maher, Merchant, Nelson, Peterson, Fryslie, Hansen

(Tom)

MOTION: AMEND TITLE OF SB 184

184fta

On page 1, line 2, of the printed bill, delete "formation of" and insert "addition and withdrawal of territory for".

Moved by: Nelson
Second by: Maher
Action: Prevailed by voice vote.

HB 1126: require property owners of a homestead who are delinquent in paying their property taxes to notify the county treasurer when they meet certain age requirements.

See prior testimony on Friday, February 12, 2010

MOTION: DO PASS HB 1126

Moved by: Peterson
Second by: Fryslie
Action: Prevailed by roll call vote. (6-2-1-0)

Voting Yes: Jerstad, Maher, Nelson, Peterson, Fryslie, Hansen (Tom)

Voting No: Howie, Merchant

Excused: Adelstein

HB 1185: provide property tax benefits to the surviving spouses of certain disabled veterans.

THE CHAIR DEFERRED HB 1185 UNTIL MONDAY, FEBRUARY 22, 2010

MOTION: ADJOURN

Moved by: Jerstad
Second by: Merchant

Action: Prevailed by voice vote.

Lois Henry
Committee Secretary

Tom Hansen, Chair